

Appl. No. 10/814,092  
Amdt. dated December 21, 2005

Reply to Office Action of September 29, 2005  
Attorney Docket 17380

### **REMARKS**

Claims 1-3 are pending in the application. Claim 1 is amended and claim 2 is amended to incorporate the subject matter of claim 3. Claim 3 is cancelled.

#### **Objection to the Drawings**

The Office Action objected to the drawings for not including the reference numeral "100" as referred to on page 9, line 20. The specification is amended to change the reference numeral "100" to reference numeral "102." Reference numeral "102" is clearly shown in Figures 8a, 8b and 8c. No new matter is added.

Applicants respectfully request removal of the objection to the drawings.

#### **Rejections under 35 U.S.C. §112**

Claims 1-3 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 1 is amended to provide proper antecedent basis for "the picking unit." Claim 2 is amended to incorporate the limitations of claim 3 and to correct any insufficient antecedent basis problems with prior claims 2 and 3. Claim 3 is cancelled.

It is respectfully submitted that claims 1 and 2 have sufficient antecedent basis for all limitations presented and as such withdrawal of this rejection is respectfully requested.

#### **Rejections under 35 U.S.C. §103**

Claims 1 and 2 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hansen, U.S. Patent No. 4,255,946 (hereinafter referred to as "Hansen") in view of Cho, U.S. Patent No. 4,458,226 (hereinafter referred to as "Cho") and Fox, U.S. Patent Publication No. 2002/0174640 (hereinafter referred to as "Fox").

In order to establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of

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success. Finally, the applied reference must teach or suggest all the claim limitations (See MPEP §2143).

It is respectfully submitted that the Office Action does not meet the criteria for establishing a *prima facie* case of obviousness. Applicants respectfully submit that neither Hansen, Cho nor Fox, alone or in combination teach or suggest the recited elements of claims 1 and 2.

Hansen describes that a switch plate 30 bears directly against the force transmitting balls 20 and springs 34 mounted on the outer ends of the studs bear against the switch plate and also against a washer 35 held on the end of the studs by screws 36. Thus the springs 34 are pre-compressed to a desired amount and are held captive on the studs, urging the spring plate against the balls and consequently urging the balls into their detents with a predetermined amount of pressure. (See col. 3, lines 17-25). When an overload condition is reached, the balls are forced out of their detents and against the compressive action of the spring 34. (See col. 3, lines 34-36). When the parts of the device have assumed their signal giving positions shown in FIG. 4, it will be noted the balls 20 have axially shifted the switch plate 30 against the compressive action of the springs 34 and this axial shifting of the switch plate acts to shift a signal giving device such as a micro-switch 44. (See col. 3, line 65 – col. 4, line 2).

Cho describes that a handle may be moved with respect to the base assembly along the lines of the groove 22. When the handle is positioned at the mid-point of the groove, the disc 17 is centered about the array of limit switches 13 so that the edge of the disc is interposed between each of the reed switches 13 and its associated permanent magnet 16. FIG. 2 illustrates the relationship of one of the reed switches 13, its associated magnet 16, and the edge of the disc 17. The contacts of the reed switch 13 are designated by the numeral 24. When the edge of the disc 17 is interposed between the magnet 16 and its associated reed switch 13, the magnetic lines of flux from the magnet are shunted by the paramagnetic material of the disc so that the magnetic field of the magnet does not influence the reed switch 13. (See col. 3, lines 3-18).

A worker skilled in the art would not be motivated to combine Hansen with Cho and Fox. Hansen is directed to engaging a switch when a torque overload condition is detected, while Cho is directed to generating switching control signals representative of motion in

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either direction along two mutually perpendicular axes; i.e., motion in the direction of any of four quadrants in a plane. (See col. 2, lines 30-34).

Hansen requires that balls 20 axially shift the switch plate 30 against the compressive action of the springs 34. It is this axial movement of the switch plate that actuates the switch plate to engage the switch 44. Thus, Hansen only discloses axial movement to physically "contact" or engage a switch 44. Cho does not describe or suggest axial movement in order to engage a switch. Rather, Cho describes that the movement of the disc 17 is motion in the direction of any of four quadrants in a plane. In fact, Cho teaches away from any kind of direct contact of components. According to Cho, the present invention is directed toward a switching direction controller which obviates the disadvantages of the contact type controller by employing magnetic reed switches as the output elements and a unique and simple magnetic diversion circuit to achieve controlled closure of the switches in response to mechanical actuation of the handle. (See col. 1, lines 43-49). Accordingly, a worker skilled in the art would not be motivated to combine Hansen with Cho and Fox.

Even if Hansen were combined with Cho, the combination of Hansen and Cho would not disclose, teach, or suggest the recited elements of claims 1 or 2. According to Cho, the disc 17 is interposed between the magnet 16 and the contact 24 of the reed switch 13. As shown in Figure 2 of Cho, the disc 17 is moved to the open position 25 along two mutually perpendicular axes in the direction of any of the four quadrants in a plane. Therefore, the disc 17 of Cho is limited to movement within the plane of the disc itself. According to Hansen, the balls 20 axially shift the face of the shift plate 30 against the compressive force of the springs 34 to engage the switch. The single plane movement of disc 17 disclosed in Cho is not combinable with the axial movement of the switch plate 30 in Hansen. Hansen neither describes nor suggests movement of the shift plate within the plane of the shift plate.

Further, nowhere does Hansen, Cho or Fox, either alone or in combination, describe or suggest a shield disposed on a second of the input or the output in a position for shielding the sensor from the actuator when the input and the output are jointly rotating in the normal condition. Hansen utilizes axial movement of a switch plate to engage a switch and Cho utilizes motion in any of the four quadrants within the plane of the disc. Neither Hansen nor Cho describe or suggest rotational movement of a shield assembly in order to shield a sensor.

Accordingly, claims 1 and 2 are allowable over Hansen in view of Cho and Fox. Applicants respectfully request withdrawal of this rejection.

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**Allowable Subject Matter**

Applicants gratefully acknowledge the Examiner's indication of allowability of Claim 3 if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims. Claim 2 is amended to correct any insufficient antecedent basis problems with prior claims 2 and 3 and claim 2 is amended to incorporate the limitations of claim 3. Claim 3 is cancelled.

In view of the above remarks, Applicants respectfully submit that the application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested.

Respectfully submitted,



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